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Subject: VB: thanks, thoughts, and concerns

Victor:

I know you're furiously working to complete the ROD in the next few days.
I wanted to use this email to summarize a few thoughts, relay our
discussion to others, and offer a few recommendations after our brief call
yesterday.

* Community Health Program - Initial Activities
* Thanks for reiterating that you're still planning on funding
DEH's

initial community outreach activities through the end of '03, once the ROD
is signed. We look forward to beginning outreach and planning activities
with the affected communities.

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* Community Health Program - Implementation
* We're happy to hear that you're thinking that you can directly
fund

DEH next year through a cooperative agreement, for DEH's CHP activities.
Also, we agree with your suggestion to directly fund CDPHE's Epi Group, so
that Jane Mitchell is available to provide direction on CHP biomonitoring
activities. Alternately, as I suggested, we would be willing to funnel CHP
money through DEH to CDPHE.

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* Hauling of VB soils to Globe plant
* Community members have expressed concerns regarding the safe
disposal of VB soils at the Globe plant. As we stated previously, we
believe EPA is responsible for the development and implementation of a
workplan that safely controls the disposal of the soils onsite and prevents
the release of fugitive dusts and runoff offsite. This applies to all
activities involving VB soils, whether initial stockpiling or later hauling,
placement, and compaction at the site.

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* Placement of soils on Globe plant
* Community members have expressed concerns that VB soils will be
appropriately used onsite, and provide a sufficient and protective cover.
We echo these concerns. If placed on the Globe site, we believe EPA is
responsible for ensuring that the VB soils are appropriately managed in the
long-term as well as the short-term. I understood you to say yesterday that
responsibilities and roles have not been clearly defined as yet, but for at
least some of the work, the responsibility of soil placement will likely
fall to work financed by Asarco and overseen by CDPHE. While we understand
the good intentions of those involved, the community is left with little
confidence that work will be completed as designed, based on Asarco's
current financial state. Therefore, we suggest that EPA is ultimately

responsible for the appropriate management of VB soils since they are being placed there as "part of the highly reliable, longterm remedy selected for that site or group of sites." EPA has told the community that the soils will be used to improve protectiveness by covering dirty soils at the Globe site. To that end, EPA should commit to ultimate responsibility and funding, if necessary, to ensure the soils are appropriately placed and managed at the Globe site.

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* Lead-based paint (LBP) and protection of the remedy
Although not discussed yesterday, from last week's working group meeting we understand your intent to address the LBP issue in the ROD. We believe the remedy protection issue is real and important when a property contains structures with LBP in a sufficiently deteriorated condition, that they are likely to recontaminate clean replacement soils with lead. We appreciate your stated intent to attempt to address this issue for all removal properties, whether the initial removal was based on lead or arsenic.

Thanks for your consideration,
Gene

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